

**REMARKS**

Claims 1-21 and 23-29 are currently pending in this application; claims 1, 9-11, 16, 18-19, and 27-29 being independent. By this Amendment, independent claim 29 has been added. Claim 22 has been cancelled without prejudice or disclaimer. In light of the amendments and remarks contained herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

**Drawings**

Applicants have included with this Reply Replacement Drawing Fig. 16 to correct the labeling of element 112 therein. The numeral "112" has been changed to --812--.

**The Official Action**

In the outstanding Official Action, the Examiner rejected claims 1-28 under 35 U.S.C. § 103(a) as being unpatentable over *Kobayashi et al.* ("Dynamic Soundscape: mapping time to space for audio browsing," CHI 97, pp. 194-201, March 22-27, 1997). Applicants respectfully traverse these rejections.

**Examiner Interview**

Applicants wish to thank the Examiner for the interview conducted on July 8, 2003. During the interview, Applicants and the Examiner discussed the rejection of at least claims 1, 11, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Kobayashi et*

al. It is respectfully submitted that the remarks and amendments herein are made further to the discussions had during the interview.

**Claim Rejections - 35 U.S.C. § 103**

By this Amendment, Applicants have amended claims 1, 9, 10, and 19 in order to more appropriately recite the present invention. It is respectfully submitted that the amendments are made herein without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the Reply filed on January 3, 2003, Applicants pointed out that a number of the rejections made by the Examiner failed to provide any support including citations or references to the *Kobayashi et al.* reference. Applicants further provided the Examiner with the requirements the Examiner must satisfy in order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a). In the outstanding Official Action, while the Examiner provided, arguably, support to his rejection of some of the claims, the Examiner has failed to provide any support for his rejections with regard to claims 9, 11-18, and 20-26. In some instances, the Examiner asserts that the rejections are "similar to arguments presented above." However, it is respectfully submitted that the majority of claims referred to by the Examiner as containing similar elements, in fact, contain different elements that were not

discussed with regard to the previous claim rejections. As such, based upon the Examiner's failure to provide a *prima facie* case of obviousness with regard to claims 9, 11-18, and 20-26, it is again respectfully requested that, should the Examiner maintain his rejection of these claims, the Examiner provide a detailed explanation of his support for the rejection of these claims in a non-final Official Action.

The Examiner's attention is respectfully directed to MPEP § 706.02(j) providing the Examiner with the guidelines for asserting a proper rejection under 35 U.S.C. § 103. Specifically, MPEP § 706.02(j) states the Examiner should set forth in the Official Action the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page numbers and line numbers where appropriate; the difference or differences in the claim over the applied references; the proposed modification of the applied references necessary to arrive at the claimed subject matter; and an explanation of why one of ordinary skill in the art at the time of the invention would have been motivated to make the proposed modification. MPEP § 706.02(j) further points out that it is important for an Examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given a fair opportunity to reply. While the Applicants would like to reply to the Examiner's rejection of

claims 9, 11-18, and 20-26, Applicants can only guess as to what portions of the *Kobayashi et al.* reference the Examiner is relying upon and how the reference is being applied in support of his rejection.

With regard to the Examiner's rejection of claim 1, by this Amendment, Applicants have amended claim 1 to recite, *inter alia*, storing an association between each of a plurality of information and at least one sound. It is respectfully submitted that *Kobayashi et al.* teaches a browsing environment that provides a spatial interface for temporal navigation of audio data, taking advantage of human abilities of simultaneous listening and memory of spatial location. Specifically, *Kobayashi et al.* teaches creating a speaker at some point in an orbit around a user. The speaker orbits the user's head as it plays audio data and so creates a map between time and space. When a user wants to replay a topic that he/she has heard, he/she indicates the position where the topic was presented by pointing in that direction. Another speaker is created at the point and begins playing from the point in time of audio data presented there (p. 195, col. 1, line 57 - col. 2, line 7).

*Kobayashi et al.* teaches one speaker playing all of the topics. When a user wishes to repeat a portion of the audio stream, the user points at the position where the topic was presented.

Thus, *Kobayashi et al.* teaches mapping the audio data stream in space.

It is respectfully submitted that nowhere does *Kobayashi et al.* teach or suggest storing an association between each of a plurality of information and at least one sound. Further, the present invention set forth in claim 1 recites, *inter alia*, time-controlling a position of each sound independently. It is respectfully submitted that *Kobayashi et al.* teaches mapping information in space, not with respect to time. As such, it is respectfully submitted that claim 1 is not obvious over *Kobayashi et al.*

It is respectfully submitted that claims 2-8 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claims 9 and 10 contain elements similar to those discussed above with regard to claim 1 and, thus, claims 9 and 10 are allowable for the reasons set forth above with regard to claim 1.

With regard to claim 11, the Examiner asserts that claim 11 is rejected under "similar arguments as presented above." It is respectfully submitted that nowhere in the outstanding Official Action does the Examiner discuss "means for sequentially switching said plurality of information sources as audio information and

presenting the audio information by said sound source." Again, should the Examiner maintain his rejection of claim 11 under 35 U.S.C. § 103(a) as being obvious over *Kobayashi et al.*, it is respectfully requested that the Examiner provide an appropriate *prima facie* case of obviousness in a non-final Official Action.

It is further respectfully submitted that nowhere does *Kobayashi et al.* teach or suggest means for sequentially switching the plurality of information sources as audio information. *Kobayashi et al.* merely discloses creating a speaker at a point indicated by the user and replaying audio data. There is no teaching or suggestion in *Kobayashi et al.* for means for sequentially switching the plurality of information sources as audio information. As such, it is respectfully submitted that claim 11 is not obvious over *Kobayashi et al.*

It is respectfully submitted that claims 12-15 are allowable for the reasons set forth above with regard to claim 11 at least based upon their dependency on claim 11. Further, as discussed during the interview, it is respectfully submitted that claims 12-15 contain additional features of the present invention that are not taught or suggested by the *Kobayashi et al.* reference. Should the Examiner maintain his rejection of these claims, it is respectfully requested that the Examiner provide sufficient support

to establish a *prima facie* case of obviousness under 35 U.S.C. § 103.

It is respectfully submitted that claims 16 and 18 contain elements similar to those discussed above with regard to claim 11 and, thus, claims 16 and 18, together with claims dependent thereon, are not obvious over *Kobayashi et al.*

With regard to the Examiner's rejection of claim 19, by this Amendment, Applicants have amended claim 19 to recite, *inter alia*, an information presentation apparatus wherein the modified presentation status includes one of a status of presenting simultaneously a plurality of sound information with the presentation position altered, and a status of sequentially presenting a plurality of sound information. Again, in the outstanding Official Action, the Examiner failed to provide any indication or citation in the *Kobayashi et al.* reference indicating a teaching or suggestion of this claimed element. Should the Examiner maintain his rejection of this claim, it is respectfully requested that the Examiner provide the Applicants with a *prima facie* case of obviousness in a new, non-final Official Action.

Further, it is respectfully submitted that *Kobayashi et al.* fails to teach or suggest this element as set forth in claim 19 as *Kobayashi et al.* fails to teach or suggest presenting simultaneously a plurality of sound information with the

presentation position altered and, further, fails to teach or suggest a status of sequentially presenting the plurality of sound information. As such, it is respectfully submitted that claim 19 is not obvious over *Kobayashi et al.*

It is further respectfully submitted that claims 20-21 and 23-26 are allowable for the reasons set forth above with regard to claim 19 at least based upon their dependency on claim 19.

With regard to the Examiner's rejection of claim 27, the Examiner asserts that a significant event which arouses the user's attention would modify a presentation status. It is respectfully submitted that the Examiner's interpretation of this claim extends beyond the proper scope of claim 27. It is respectfully submitted that claim 27 recites, *inter alia*, an information presentation method comprising the steps of modifying a presentation status according to a property of the audio information to be presented. It is respectfully submitted that *Kobayashi et al.* merely teaches playing and replaying a single sound recording. There is no additional teaching or suggestion of considering properties of audio information, nor does *Kobayashi et al.* teach or suggest modifying a presentation status according to a property of that audio information. As such, it is respectfully submitted that as *Kobayashi et al.* fails to teach or suggest all of the elements of claim 27 that claim 27 is not obvious over *Kobayashi et al.*



It is respectfully submitted that claim 28 contains elements similar to those discussed above with regard to claim 27 and, thus, claim 28 is allowable for the reasons set forth above with regard to claim 27.

**Conclusion**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

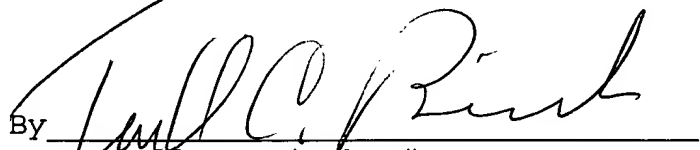
Applicants respectfully petition for a two (2) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the amount of \$410.00 in payment of the extension of time fee is attached.


Appl. No. 09/504,438

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Terrell C. Birch, #19,382

  
TCB/CMV/jdm  
0033-0639P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment: Replacement Drawing Fig. 16